

PLATTING – CHAPTER 15

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CHAPTER 15 - PLATTING

Section 15-101. PURPOSE AND INTERPRETATION. Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to the City's plan, will bring a disastrous disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted within the incorporated limits of the City of Brooklyn Center shall in all respects fully comply with the regulations hereinafter set forth in this ordinance. In their interpretation and application the provisions of this ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

Section 15-102. SCOPE. Except in the case of a resubdivision, this ordinance shall not apply to any lot or lots forming a part of subdivision plats recorded in the office of the Register of Deeds or Registrar of Titles prior to the effective date of this ordinance, nor is it intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party.

Section 15-103. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "Boulevard" is the portion of the street right of way between the curb line and the property line.
- b. "Butt Lot" is a lot at the end of a block and located between two corner lots.
- c. "Final Plat" is the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, will be submitted to the County Register of Deeds or Registrar of Titles.
- d. "Lot" is a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use thereof.
- e. "Easement" is a grant by an owner of land for the specific use of said land by the public generally, or to a person or persons.

- f. "Minimum Subdivision Design Standards" are the guides, principles and specifications for the preparation of subdivision plans indicating among other things the minimum and maximum dimensions of the various elements set forth in the preliminary plan.
- g. "Owner" is any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.
- h. "Pedestrian Way" is the right of way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.
- i. "Person" is any individual, firm association, syndicate or partnership, corporation, trust, or any other legal entity.
- j. "Preliminary Plan" is the preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and city council for their consideration.
- k. "Protective Covenants" are contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and for providing mutual protection against undesirable aspects of development which would tend to impair stability of values.
- l. "Setback Line Building" is a line within a lot designated on the preliminary plan between which, and the adjacent street, the erection of an enclosed structure, or portion thereof is prohibited..
- m. "Streets" is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.
- n. "Collector Street" is a street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such development.
- o. "Cul-de-sac" is a minor street with only one outlet.
- p. "Marginal Access Street" is a minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- q. "Minor Street" is a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

- r. "Street Width" is the shortest distance between the lines delineating the right of way of a street.
- s. "Thoroughfare" is a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
- t. "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties abutting on a street.
- u. "Subdivider" is any person commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.
- v. "Subdivision" is the division of a parcel of land into two or more lots or parcels, any of which resultant parcels is less than two and one-half acres in area, for the purpose of transfer of ownership or building development of, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- w. "City" is the City of Brooklyn Center.
- x. "City Plan" is a comprehensive plan adopted by the city council indicating the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the City of Brooklyn Center, and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.
- y. "Outlot" is a parcel of land included in a plat which is smaller than the minimum size permitted and which is thereby declared unbuildable until combined with additional land; or a parcel of land which is included in a plat and which is more than double the minimum size and which is thereby subject to future subdivision; or a parcel of land designated as a private roadway in a townhouse development plat.

Section 15-104. PRELIMINARY PLAN.

A. PROCEDURE

- 1. Before dividing any tract of land into two or more lots or parcels, an owner or subdivider shall, unless a variance is authorized, file with the city clerk.
 - a. Four copies of the preliminary plan.

- b. A cash fee in an amount set forth by city council resolution. This fee will be used for the expense of the City in connection with approval or disapproval of said preliminary plat.
2. The city clerk shall then:
 - a. Set a public hearing on the preliminary plan, such hearing to be held by the planning commission within 30 days. Notice of said hearing shall be published in the official City newspaper at least five days prior to the hearing.
 - b. Refer two copies of the preliminary plan to the planning commission for its examination and report and one copy to the city engineer for his examination and report. Copies of the report of the city engineer shall be given to the planning commission within 15 days.
3. The planning commission shall have the preliminary plan on its agenda at its next regular meeting following referral from the city clerk. This meeting may serve as the public hearing.
4. The planning commission shall make its report to the council on or before the second regular meeting of the planning commission following referral by the city clerk.
5. The council shall act on the preliminary plan within 60 days of the date on which it was filed with the city clerk. If the report of the planning commission has not been received in time to meet this requirement, the council may act on the preliminary plan without such a report.
6. If the preliminary plan is not approved by the council, the reasons for such action shall be recorded in the proceedings of the council and transmitted to the applicant. If the preliminary plan is approved, such approval shall not constitute final acceptance of the subdivision.

B. NECESSARY DATA FOR PRELIMINARY PLAN

The preliminary plan shall be clearly and legibly drawn. The size of the map shall not be less than 12 inches by 18 inches. All subdivision maps should, if possible, be drawn at a scale of one inch equals 100 feet.

The preliminary plan shall contain the following information:

a. IDENTIFICATION AND DESCRIPTION

1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
2. Location by section, town, range or by other legal description.
3. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
4. Graphic scale.
5. North-Point.
6. Date of preparation.

b. EXISTING CONDITIONS

1. Boundary line of proposed subdivision, clearly indicated.
2. Existing zoning classification.
3. Total approximate acreage.
4. Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any railroad and utility right of way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of 150 feet beyond the tract.
5. Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown.
6. Boundary lines of adjoining unsubdivided or subdivided land, within 100 feet, identifying by name and ownership.

7. Topographic data, including contours at vertical intervals of not more than two feet, except that contour lines shall be no more than 100 feet apart. Water courses, marches, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. Elevation datum shall be given in reference to U.S. Geodetic Survey, 5th General Adjustment. Topographic data shall be shown for tract and adjacent areas within 300 feet of the tract.

c. SUBDIVISION DESIGN FEATURES

1. Layout of proposed streets, showing right of way widths and names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.
2. Location and widths of proposed alleys, pedestrian ways and utility easements.
3. Typical cross-sections of proposed improvements upon streets and alleys, together with an indication of the proposed storm water runoff.
4. Approximate center line gradients of proposed streets and alleys, if any.
5. Location, size and approximate gradient of proposed sewer lines and water mains.
6. Layout, number and typical dimensions of lots.
7. Minimum front and side-street building setback lines, indicating dimensions.
8. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

d. OTHER INFORMATION

1. Statement of the proposed use of lots (type of residence, business or industry) so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
2. Proposed protective covenants.
3. Source of water supply.

4. Provisions for sewage disposal, drainage and flood control.
 5. If any zoning changes are contemplated, the proposed zoning plan for the areas including dimensions.
 6. If, in the opinion of the city engineer, further information is required, such information shall be furnished before the date of the public hearing.
- e. QUALIFICATIONS GOVERNING APPROVAL OF PRELIMINARY PLAN
1. The council may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the City.
 2. The approval of a preliminary plan by the council is tentative, only involving merely the general acceptability of the layout as submitted.
 3. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading, gradients and roadway widths and the surfacing of streets by the city engineer and other public officials having jurisdiction, prior to the approval of the final plat by the City.

ADMINISTRATIVE ADDENDA TO SUBDIVISION REGULATIONS

PRELIMINARY PLAT:

Section 15-104B (b) (5) - It is not essential that grades and invert elevations of existing underground facilities be shown.

Section 15-104B (c) (3) - It is not essential that "typical cross-sections of proposed improvements" be shown.

Section 15-104B (c) (5) - It is not essential that information concerning proposed sewer and water lines be submitted until so requested by the city engineer.

Section 15-104B (c) (7) - It is not essential that building setback lines be shown except on curved streets or where obviously extraordinary conditions prevail.

Section 15-104B (d) (3) (4) & (5) - It is not essential that source of water supply, provisions for sewage disposal, nor contemplated zoning changes be indicated unless so requested by the city engineer.

FINAL PLAT:

Section 15-105B (b) (1) - It is essential that the exact area in square feet for each platted lot be shown on at least one print copy of the plat.

Section 15-105B (b) (2) - It is not essential that the building setback line be shown on the final plat if the information is made available on the preliminary plat.

4. No plan will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the city engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage.

Section 15-105. FINAL PLAT.

A. PROCEDURE

1. The owner or subdivider shall file with the city clerk six copies of the final plat and a cash fee in an amount set forth by city council resolution not later than six months after the date of approval of the preliminary plan; otherwise, the preliminary plan and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the council. The owner or subdivider shall also submit at this time an up-to-date certified abstract of title or registered property report and such other evidence as the city attorney may require showing title or control in the applicant. Prior to release by the City of a final, approved plat, the owner shall reimburse the City the full amount of legal fees incurred by the City in obtaining a review or opinion of title.

The Final Plan will have incorporated all changes or modifications required by the council; otherwise it shall conform to the preliminary plan. It may constitute only that portion of the approval preliminary plan which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this ordinance.

2. The city clerk shall refer one copy of the final plat to the planning commission, one copy to the city engineer, and a copy each to the telephone, power and gas companies. The abstract of title or registered property report shall be referred to the city attorney for his examination and report. The city attorney's report and city engineer's report shall be given to the council within 15 days. The planning commission may at its discretion submit a report to the council.

3. The council shall act on the final plat within 60 days of the date on which it was filed with the city clerk.
4. If the final plat is approved by the council, the subdivider shall record it with the County Register of Deeds or Register of Titles within 30 days after the date of approval; otherwise, the approval of the final plat shall be considered void.
5. The subdivider shall, immediately upon recording, furnish the city clerk with a print of the final plat showing evidence of the recording.

B. NECESSARY DATA FOR FINAL PLAT

- a. General. The final plat shall be prepared by a registered surveyor. All information except topographic data and zoning classification required on the preliminary plan, shall be accurately shown. The size of the map shall be 20 inches by 30 inches. Subdivisions should, if possible, be drawn at a scale of one inch equals 100 feet.
- b. Additional Delineation.
 1. Data required under regulations of county surveyor - accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths, and the exact area in square feet of each lot shall be shown within each lot on the plat.
 2. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the building setback line shall be shown.
 3. An identification system for all lots and blocks.
 4. True angles and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.
 5. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.
 6. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
 7. Accurate location of all monuments.

8. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purpose indicated therein.
9. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
10. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
11. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.
12. Form for approval of the council as follows:

Approved by the city council of the City of Brooklyn Center, Minnesota, this _____ day of _____, 20____.

Signed _____
Mayor

Attest: _____
City Clerk

13. Form for approval by County authorities as required.

Section 15-106. MINIMUM SUBDIVISION DESIGN STANDARDS.

- a. The proposed subdivision shall conform to the City plan.
- b. Public Street Plan. The arrangements, character, extent, width, grade and location of all streets shall conform to the City plan and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas.

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

c. Public Streets.

1. Widths. All right of way widths shall conform to the following minimum dimensions:

Thoroughfare	as shown on City plan
Collector	70 feet
Minor	60 feet
Cul-de-sac	60 feet
Marginal access	50 feet

2. Street Deflections. When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 300 feet for minor and collector streets, and of such greater radii as the council shall determine for special cases.
3. Reverse Curves. Tangents of at least 50 feet in length shall be introduced between reverse curves on collector streets.
4. Street Grades. All center line gradients shall be at least 0.3 percent, and shall not exceed the following:

Collector	4 percent
Minor Streets	6 percent

5. Vertical Curves. Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length, in feet, of these curves, shall be 100 feet.
6. Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.
7. Street Jogs. Street jogs with center line offsets of less than 125 feet shall be avoided.
8. Safe Intersections. It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow.
9. Alleys. Alleys are not permitted in residential areas.

10. Cul-de-sac. Maximum length cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right of way, unless there are 18 or less lots abutting the cul-de-sac. Each cul-de-sac shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet, and a street property line diameter at least 120 feet.
11. Marginal Access Streets. Where a subdivision abuts or contains an existing or planned thoroughfare, the council may require marginal access streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
12. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Where a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. In cases where half streets are accepted, the owner and subdivider shall be required to grade half the streets in accordance with the plans therefor to be prepared by the city engineer, and in addition, the owner and subdivider shall be required to deposit payment with the City for one-half of the city engineer's estimated cost of other improvements required under this ordinance. In cases where the entire right of way has been dedicated to the public but the property of the owner and subdivider is located on one side of said street, the owner and subdivider shall be required to grade the entire street in accordance with the plans to be prepared by the city engineer, but the owner and subdivider shall only be required to deposit payment for one-half of the city engineer's estimated costs of other improvements required under this ordinance. Building permits shall be denied on lots on the side of the street where the property is owned by persons who have not entered into an agreement with the City for the installation of the improvements required under this ordinance.
13. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the council.
14. Railroad or Limited Access Highways Abutting Subdivision. Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the council may require a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

15. Private Streets. With the exception of condominium single family attached dwelling unit subdivisions, private streets shall not be approved nor shall public improvements be approved for any private street.
 16. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
 17. Street Interval. In general, provisions shall be made at intervals not exceeding one-half mile for through streets (streets running through the subdivision in a fairly direct manner.)
- d. Public Alleys and Pedestrian Ways.
1. Alleys shall be at least 24 feet wide in commercial and industrial areas. The council may require alleys in nonresidential areas where adequate off-street loading space is not available.
 2. Pedestrian ways shall be at least 10 feet wide.
- e. Easements.
1. Provided for Utilities. With the exception of condominium single family attached dwelling unit subdivisions, easements at least 10 feet wide, centered on rear and other lot lines shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block and at deflection points. Easements for pole-line anchors shall be provided where necessary.
 2. Provided for Drainage. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff.
- f. Blocks.
1. Factors Governing Dimensions. Block length and width or acreage within bounding roads shall be such as to accommodate the size of residential lots required in the area by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic.
 2. Nonresidential Blocks. Blocks intended for commercial, institutional and industrial use must be designated as such.

3. Lengths. Block lengths shall not exceed 1,800 feet.
4. Arrangements. With the exception of condominium single family attached dwelling unit subdivisions, a block shall be so designed as to provide two tiers of lots, unless it adjoins a railroad or limited access highway where it may have but a single tier of lots.
5. Pedestrian Ways. In blocks over 900 feet long, pedestrian crosswalks may be required by the council in locations deemed necessary to public health, convenience and necessity.

g. Lots.

1. Location. With the exception of lots in a condominium single-family attached dwelling unit subdivision, all lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status as such.
2. Size. The minimum interior lot dimensions in subdivisions designed for single family detached dwelling developments in the R1 and R2 Districts established by the Zoning Ordinance shall be:
 - aa. R1 District: 75 feet wide at the established building setback line;
R2 District: 60 feet wide at the established building setback line;
 - bb. not less than 60 feet in width at the front lot line;
 - cc. not less than 30 feet in width at the rear lot line;
 - dd. not less than 110 feet in average depth; and
 - ee. R1 District: not less than 9,500 square feet in area;
R2 District: not less than 7,600 square feet in area.

The minimum corner lot dimensions for single family detached dwelling developments in the R1 and R2 Districts established by the Zoning Ordinance shall be:

- ff. R1 District: 90 feet wide at the established building setback line;
R2 District: 75 feet wide at the established building setback line;
- gg. not less than 100 feet in depth; and

hh. R1 District: not less than 10,500 square feet in area;

R2 District: not less than 8,750 square feet in area;

Where sanitary sewer facilities are not provided, the minimum size of lots shall be 13,500 square feet.

3. Butt Lots. Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.
4. Side Lot Lines. Side lines of lots shall be substantially at right angles or radial to the street line.
5. Water Courses. Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width as required, to assure house sites that are not subject to flooding.
6. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
7. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
8. No lot shall extend over a political boundary or school district line.

Section 15-107. PARKS, PLAYGROUND, AND OTHER PUBLIC SITES. Where a subdivision includes an area earmarked for public use according to the City Plan, such use shall be shown on the preliminary plan and final plat. If the public body is unable to purchase the site immediately, the area shall be reserved for a time sufficient to allow such public body to option or purchase the site. This reservation period will not, however, extend more than two years from the date on which the preliminary plan was filed. If the public body has not obtained title within that period, the owner will be free to plat the area for a nonpublic use.

Section 15-108. REQUIRED IMPROVEMENTS. No final plat shall be approved by the council without first receiving a report signed by the city engineer and the city attorney certifying that the improvements described therein together with the agreements and documents required under Section 9 of this ordinance meet the minimum requirements of all ordinances in the City. The following improvements shall be required of all new subdivisions unless a variance is granted:

- a. **Monuments.** Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat, location and size as determined by the city engineer. There shall be at least three concrete monuments installed per block. If the block is longer than 800 feet, there shall be four monuments. They shall be installed on the west and south sides of the street at the exterior corners and the remaining monuments equally dividing the distance between. Other monuments shall be steel or cast iron, as approved by the Hennepin County Surveyor and shall be set at each corner or angle on the outside boundary of all lots. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street centerlines. All U.S., state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- b. **Water and Sewer Facilities.**
 1. Sanitary sewers, storm sewers, and water distribution facilities shall be installed if connection to the City's sewer or water system is available. The city council may elect to install these facilities, assessing their cost against the subdivision. If provided by the subdivider, the improvements shall conform to specifications of the city engineer.
- c. **Public Street Grading.** The full width of the right of way shall be graded, including the subgrade of the areas to be paved, in accordance with the standard plans prepared by the city engineer.
- d. **Public Street Improvements.**
 1. All streets shall be improved with pavements or oil stabilized surfaces to an overall width in accordance with the following minimum dimensions:

<u>Type of Street</u>	<u>Pavement Width</u> (in between face of curbs)
Thoroughfares	As shown on City plan
Collector	37 feet
Minor and cul-de-sac	38 feet
Marginal Access	24 feet

2. All cul-de-sacs shall have turn-arounds, the pavement of which shall have a minimum diameter of 100 feet.
3. Curbs and gutters.
4. All street improvements shall be constructed in accordance with applicable standards specifications established by the city engineer.

5. Storm water inlets and necessary culverts and dry wells shall be provided within the roadway improvements at points specified by the city engineer.
6. All curb corners shall have a radii of not less than 15 feet except at collector and marginal access streets where they shall be not less than 25 feet.
7. Street trees having a trunk diameter (measure 12 inches above the ground) of not less than one and three-fourths inches shall be planted along all streets where trees do not exist, and not more than 75 feet and not less than 40 feet apart. This requirement will be satisfied, and it is preferable if an equivalent number of trees of the same size exist or are planted in a naturalistic way in the front yards of the adjoining lots.

Only ash, American elm and long-lived hardwood shade trees shall be planted. These shall be planted in at least one cubic yard of growing soil.

8. Name Signs. Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be in accordance with standards of the City.
 9. Boulevard Sod. Boulevard sod shall be installed from the street gutter line to the property line adjacent to all streets. This shall include any side yard boulevards.
- e. Pedestrian Ways. Where pedestrian ways are installed, Portland cement concrete walks shall be constructed to a minimum width of five feet.
- f. Public Utilities.
1. All the utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.
 2. Where telephone, electric and gas service lines are placed underground entirely throughout subdivided area, conduits or cables shall be placed within easement or dedicated public ways, in a manner which will not conflict with other underground service. Further transformer boxes shall be located so as not to be hazardous to the public. All drainage and underground utility installations which traverse privately owned property shall be protected by easements.
 3. When a drainage easement is provided and where proper drainage requires that such easement be brought to grade, such easement shall be graded in accordance with plans approved by the city engineer.

- g. Election by City to Install Improvements. The City may, in its discretion, elect to install all or any part of the improvements required under the provisions of this ordinance in lieu of requiring the subdivider to install such improvements.

Section 15-109. REQUIRED AGREEMENTS AND BONDS. Before a final plat is approved by the council, the owner and subdivider of the land covered by said plat shall execute and submit to the council an agreement to make and install within two years all improvements required to be installed by him under the provisions of this ordinance, in accordance with the plans and specifications therefor to be prepared by the city engineer. The agreement shall be accompanied by a cash escrow agreement or a performance bond, to be approved by the city attorney, in an amount equal to one and one-half times the city engineer's estimated costs of said improvements. The performance bond, if one is submitted, shall be conditioned upon:

1. The making and installing of the improvements required under the terms of the ordinance within the two year period.
2. Completion of the work undertaken by the subdivider in accordance with the contract executed by him and for him.
3. The payment by the owner or subdivider to the City of all expenses of the City for the preparation of plans and specifications of the improvements required under the terms of this ordinance and the inspection of construction by the city engineer. If a cash escrow agreement is submitted, such agreement shall provide that payments therefrom for the improvements shall be made only on the joint order of the subdivider and the City, and the agreement shall further provide that in the event the required improvements are not completed within the two year period, all amounts held under the escrow agreement shall be turned over and delivered to the City and applied by the City to the cost of the required improvements. If the funds available are not sufficient to complete the required improvements, the necessary additional cost shall be assessed against the subdivision. Any balance remaining in escrow fund after such improvements have been made shall be returned to the owner or subdivider.

Section 15-110. INSPECTION AT SUBDIVIDER'S EXPENSE. All required land improvements to be installed under the provisions of this ordinance shall be inspected at the subdivider's expense during the course of construction. Such inspection shall be by the city engineer or an inspector appointed by the city council.

Section 15-111. BUILDING PERMIT. With the exception of condominium single family attached dwelling unit subdivisions, no building permits shall be issued by any governing official for the construction of any building, structure or improvement on any land required to be subdivided by this ordinance until all requirements of this ordinance have been fully complied with.

Section 15-112. VARIANCES.

- a. The council may authorize a variance from these regulations when in its opinion, undue hardship may result from strict compliance. In granting any variance the council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings as required herein below, the council shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. To grant a variance, the council shall find:
 1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
 3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- b. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the council, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

Section 15-113. VALIDITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 15-114. VIOLATION PENALTY. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

Section 15-115. REPEAL. The provisions of Chapter 15 of the City ordinances are hereby repealed and the provisions of this ordinance shall be hereafter designated as Chapter 15 of the sections hereof numbered as designated.